

MILMAN LABUDA LAW GROUP PLLC

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Via ECF & First-Class Mail

November 5, 2014

Honorable Edward R. Korman
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Quiroz v. Luigi's Dolceria, Inc. et al
Docket No. 14-CV-00871
MLLG File No. 71-2014

Dear Judge Korman:

This law firm represents the Defendants, Luigi's Dolceria, Inc., Luigi Di Rosa and Angelo Di Rosa in the above-referenced matter. Enclosed herewith please find a stipulation for this firm to withdraw as Defendants' counsel. This correspondence shall serve as a letter motion in support of Milman Labuda Law Group PLLC's Motion to Withdraw as Counsel. Defendants consent to this motion.

Defendants are in arrears with respect to their payment obligations for services rendered under the terms of the Retention Agreement between Defendant and Milman Labuda Law Group PLLC ("MLLG") ("Retention Agreement"). MLLG has performed a substantial amount of legal work on behalf of Defendants including: investigating the factual allegations of the Complaint including interviewing witnesses, drafting and filing an Answer, drafting and serving discovery requests, drafting and serving discovery responses, attending court conferences and participating in conferences by telephone. The clients have indicated a complete inability to pay any past or future legal bills and request that we be relieved as counsel in order to avoid any additional legal fees.

Local Civil Rule 1.4, "Withdrawal or Displacement of Attorney of Record," provides as follows:

"[a]n attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of the court granted by order. Such an order may be granted only upon a showing by affidavit or

Hon. Paul A. Engelmayer

November 5, 2014

Page 2

otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar.

It is well settled under Local Civil Rule 1.4 that a client's failure to pay legal fees constitute "satisfactory reasons for withdrawal as counsel." Team Obsolete, Ltd. v. A.H.R.M.A., Ltd., 464 F. Supp. 164, 165 (E.D.N.Y. 2006). Moreover, the New York Code of Professional Responsibility permits a lawyer to "withdraw from representing a client if . . . [t]he client... [d]eliberately disregards an agreement or obligation to the lawyer as to expenses or fees." N.Y. Rules of Professional Responsibility Rule 1.16(c)(5).

Based on MLLG's inability to obtain payment of its fees in accordance with the Retention Agreement, MLLG's conversations with the clients wherein the clients clearly indicated that it could not make such payments, the clients' behavior which strongly suggests that it is not able to make such payments and the clients' consent to MLLG's withdrawal as counsel, MLLG respectfully requests to be relieved as counsel in defending this case.

Accordingly, we respectfully request to be relieved as counsel in defending the above-referenced case and that you so order the attached stipulation. Thank you for your attention to this matter.

Respectfully submitted,

MILMAN LABUDA LAW GROUP, PLLC

/s/ Joseph M. Labuda
Joseph M. Labuda

Enclosure

cc: client (via e-mail)
Michael A. Faillace, Esq. (via ECF)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SILVERIO QUIROZ, individually and on behalf of
Others similarly situated,

Plaintiff,

-against-

LUIGI'S DOLCERIA, INC. (d/b/a LUIGI'S
DOLCERIA), LUIGI DI ROSA and
ANGELO DI ROSA,

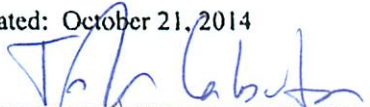
Defendants.
-----X

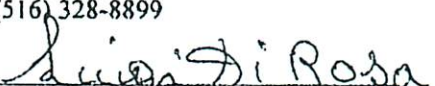
14-CV-000871 (ERK)(VVP)


STIPULATED ORDER
OF WITHDRAWAL
AS COUNSEL


IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned that Milman Labuda Law Group PLLC shall withdraw as counsel to Defendants, Luigi's Dolceria, Inc. (d/b/a Luigi's Dolceria), Luigi Di Rosa and Angelo Di Rosa.

Dated: October 21, 2014


Joseph M. Labuda, Esq.
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Lake Success, NY 11042
(516) 328-8899


Luigi Di Rosa


Angelo Di Rosa, President
Luigi's Dolceria, Inc.


Angelo Di Rosa

So Ordered

U.S.D.J.